

# APPENDIX A

## DIRECTION UNDER SECTIONS 497(4B) OF THE EDUCATION ACT 1996 TO ISLE OF WIGHT COUNCIL

### WHEREAS

- I. The Isle of Wight Council ("the Council") is the children's services authority and the education authority for its area;
- II. The Ofsted inspection of local authority arrangements for the protection of children dated 15 January 2013 found that arrangements were "inadequate", where "inadequate" is defined as a service that does not meet minimum requirements;
- III. Further, in the Secretary of State's view the Council has a disproportionate number of local authority maintained secondary schools which are eligible for intervention under Part 4 of the Education and Inspections Act 2006 on the basis that 50% of secondary schools in the local authority area have been judged by Ofsted to require significant improvement or require special measures;
- IV. In addition, Key Stage 4 attainment (5 or more A\*-C including English and Maths) was 44.5% in 2012, which is significantly below the national average in England of 59.4%, and Key Stage 2 attainment (Level 4+ in English and Maths) was 75% in 2012 which is lower than the national average in England of 79%;
- V. The Secretary of State is therefore satisfied that the Council is failing to perform to an adequate standard its children's services functions to which section 497A of the Education Act 1996 Act ("the Act"), is applied by section 50 of the Children Act 2004, namely:
  - a. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
  - b. the functions conferred on the local authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a) above);
  - c. the functions conferred on the authority under section 10, 12, 12C, 12D and 17A of the Children Act 2004; and
  - d. the education functions conferred on the authority under section 13 and 13A of the Education Act 1996
- VI. and some of its education functions to which section 497A of the Act apply.
- VII. The Secretary of State considers it expedient to exercise his powers pursuant to section 497A(4B) of the Act to direct the Council as set out below, in order to secure that its children's services functions and education functions are performed to an adequate standard; and
- VIII. The Department for Education will assess progress by undertaking

performance reviews at 6 monthly intervals from the date of this direction.

## **NOW THEREFORE**

1. Pursuant to section 497A (4B) of the Act, the Secretary of State for Education directs the Council to:

- i. Establish a strategic partnership agreement (“the partnership agreement”) with Hampshire County Council, which will provide that Hampshire County Council will deliver on behalf of the Council all of its children’s services functions. The terms of the partnership agreement, and any subsequent changes to it, must be agreed by the Secretary of State for Education. The agreement will be for a term of 5 years.
- ii. Appoint John Coughlan, Deputy Chief Executive and Director of Children’s Services in Hampshire County Council, and any successor to that role as the case may be, as Director of Children’s Services for the Council in accordance with section 18 of the Children Act 2004. The appointment, under the terms of this direction, shall exist for such time as the partnership agreement remains in force;
- iii. Ensure that adequate resources are made available to John Coughlan as Director of Children’s Services to enable him effectively to discharge his duties under the statutory guidance on the Roles and Responsibilities of the Director of Children’s Services or such other guidance as may from time to time apply to this statutory post. Ensure that John Coughlan, as the Director of Children’s Services for the Council, shall be responsible for making the appointments of all senior staff in children’s services and education services;
- iv. Within one calendar month of the date of this direction, the Council shall submit its plans and monitoring arrangements to improve children’s social care to the Department for Education for approval. The Council shall re-submit its plans within three calendar months of the commencement of the strategic partnership.
- v. Establish an Improvement Board within one month of the date of this direction, which will comprise of the Leader of the Council, the Cabinet Member for Children and Families, the Director for Children’s Services, the Chair of the Safeguarding Improvement Board, and representatives of the Department for Education and sector improvement representatives. The Council must invite a representative from each of the persons and bodies listed in section 11 of the Children Act 2004 to sit on the Improvement Board. The Director of Children’s Services and/or the Council may recommend the appointment of additional members to the Improvement Board whom they consider would improve its efficacy. The Improvement Board will oversee and drive improvements to social care services to children within the Council’s area;
- vi. Ensure that the Improvement Board meets on at least one occasion per calendar month, or at six weekly intervals subject to the agreement by the Department for Education, and provides quarterly reports on all aspects of the Council’s improvement plan for children’s safeguarding to the Secretary of State for Education;

- vii. Appoint Ray Jones, Professor of Social Work at Kingston University, as Chair of the Improvement Board ("the Chair"). The Council must ensure that the Chair of the Improvement Board reports quarterly and at such other intervals as the Chair may request, to the Secretary of State for Education on the progress of all agencies in improving children's services on the Isle of Wight;
- viii. Within one calendar month of the commencement of the strategic partnership, the Council must review, in conjunction with the Department for Education, whether conversion to an Academy is appropriate for all of the Council's maintained schools which are eligible for intervention under Part 4 of the Education and Inspections Act 2006, and any other schools where the Council or the Secretary of State have a concern about performance and attainment;
- ix. Within three calendar months of the commencement of the strategic partnership, the Council will carry out an assessment of the standards of performance of its education functions, to include the support for and challenge to the Council's maintained schools, and commence the improvements identified;
- x. The above will be monitored by regular bi-monthly meetings between the Department for Education and John Coughlan, or with such of his nominated representatives as have been agreed with the Department for Education; and
- xi. For the avoidance of doubt, all references in this Direction to John Coughlan shall be deemed to include reference to any successor to his post as Director of Children's Services for Hampshire County Council.

This Direction will remain in force for a period of 5 years, unless revoked earlier by the Secretary of State for Education, and will be reviewed after a period of 3 years, from the date on which it is made.

**Signed by authority of the Secretary of State for Education**

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**Dated this            day of            2013**